

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

NICOLE MORRISON, as Administrator for the  
Estate of Roberto Grant, and NICOLE  
MORRISON, as Mother and Legal Guardian for the  
Property of AG and SG, Decedent's Minor  
Children,

Plaintiffs,

17 Civ. 6779 (WHP)

v.

UNITED STATES OF AMERICA,

Defendant.

**DECLARATION OF PAUL SCUZZARELLA**

In accordance with the provisions of 28 U.S.C. § 1746, I, Paul Scuzzarella, hereby  
declare as follows with respect to the above-captioned case:

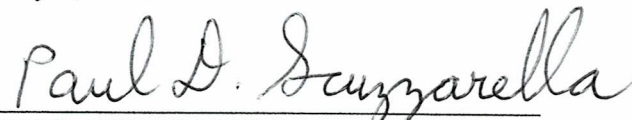
1. I am a Special Agent for the Federal Bureau of Investigation. I have served in  
this capacity since 1997.
2. The statements in this declaration are based on my personal knowledge and  
review of records provided to me by the Government in my capacity as a Special Agent.
3. In connection with the investigation of the death of Roberto Grant at the  
Metropolitan Correctional Center, 150 Park Row, New York, New York ("MCC"), I  
interviewed [REDACTED] on July 6, 2015, at Upstate Correctional Facility, 309 Bare  
Hill Road, Malone, NY 12953.
4. As a Special Agent, it was my regular practice to prepare memoranda of  
interviews conducted in the course of my duties using form FD-302. The attached  
exhibits were created and maintained during the ordinary course of my duties as a Special

Agent, at the time of the interview recorded therein or within a reasonable amount of time thereafter, when I had actual knowledge of the interview recorded.

5. Attached hereto as Exhibit A is a true and correct copy of the 302 I drafted in connection with the July 6, 2015 interview of [REDACTED]. The 302 accords with my recollection of the interview and I incorporate it by reference as if fully set forth herein.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: Guilderland, New York  
July 1, 2021

  
PAUL SCUZZARELLA

# **EXHIBIT A**



## FEDERAL BUREAU OF INVESTIGATION

Date of entry 07/06/2015

██████████ NYDOCS inmate ██████████ with a DOB of ██████████ was interviewed at Upstate Correctional Facility in Malone, NY. After being advised of the official identity of the interviewing agent and Task Force Officer and the nature of the interview ██████████ provided the following information to SA Paul Scuzzarella and TFO Dennis Klose:

On May 18, 2015, ██████████ who was incarcerated in the dormitory of Unit 11 South of the MCC, advised that he was right next to Roberto Grant, also known as Berto, as he fell to the floor saying "OOOO". ██████████ had been talking with GRANT prior to him falling to the ground. As he fell he grabbed his chest. Many of us thought he was kidding. He was still breathing while he was on the ground but was sweating a lot. These events occurred sometime around 10 pm. His codefendant (AKA ██████████) came over to check on him. At this time I called out to Officer Kearns who said he had to get permission to enter the dormitory. It took the guards about 4 to 5 minutes to get to GRANT to help him. Inmates were around GRANT when the officers started to move him. Officer Kearns had him by the head while another Officer had his feet. Officer Kearns dropped GRANT on his head. ██████████ stated that he was not sure whether this occurred intentionally or was an accident due to the situation. Officer Kearns and GRANT had issues and Officer Kearns had issued GRANT citations in the past. All the inmates were then escorted from the dormitory area to the gym. ██████████ stated that he did not see any inmate do anything to hurt GRANT prior to him falling on the ground or while he was on the ground. While we were locked in the gym area they used a defibrillator on GRANT.

██████████ was not aware of GRANT smoking K-2 and GRANT did not have any problems or ongoing disputes with any inmates on the dormitory unit. ██████████ self admitted to being a MAC BALLA BLOOD out of the Bronx. He also advised that ██████████ who is on the dormitory unit and Roberto Grant were CRIPS. ██████████ stated that CRIPS and BLOODS can associate in Federal Custody but not in state custody. ██████████ provided no further information regarding this incident.

Investigation on 07/02/2015 at Albany, New York, United States (In Person)

File # ██████████ Date drafted 07/06/2015

by SCUZZARELLA PAUL D

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.